

**ENTERED**

January 08, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

RAAF ATRACH  
Petitioner

VS.

WARDEN S. YOUNG  
Respondent

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CIVIL ACTION NO. 7:15-CV-525

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner's motion for leave to proceed in forma pauperis ("IFP") along with his petition for writ of habeas corpus pursuant to 28 U.S.C. 2241 (Dkt. Entry Nos. 1-2). On November 21, 2017, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner's IFP application and 2241 petition be dismissed without prejudice for want of prosecution, and for failure to comply with the local rules. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Petitioner's IFP application and 2241 petition (Dkt. Entry Nos. 1-2) are **DISMISSED** without prejudice.

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<sup>1</sup>As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Services Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. April 2, 2012).

SO ORDERED this 8th day of January, 2018, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

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Randy Crane  
United States District Judge